

Remarks

Claims 1-20 are pending in the application. Claims 1-20 were subject to an election requirement. Claim 1 is the independent claim. Examination on the merits of the amended application in view of the following remarks is respectfully requested.

The examiner stated that the application claims two different inventions, and required election of a single invention to which examination of the claims will be restricted. Applicant hereby elects the invention of Group I, as recited in claims 1-6 and 9-16, drawn to a frame element for a monopolar stack. The election is made with traverse, and therefore the non-elected claims are not canceled.

The examiner asserted that the application claims two distinct inventions, namely,

- I. Claims 1-6 and 9-16, drawn to a frame element for a monopolar stack.
- II. Claims 7, 8, and 17-20, drawn to a method for producing a fuel cell stack.

The examiner asserted that the respective inventions do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features. In supporting this assertion, the examiner stated that the common subject matter of the two inventions consists of plate elements, a plurality of recesses and/or perforations, and receiving ribs of the plate elements. The examiner concluded that the common subject matter does not make a contribution over the prior art as represented by WO 1999/057781, and therefore lacks unity of invention.

However, the cited reference does not disclose a frame element that has a plurality of recesses and/or perforations receiving ribs of the plate elements, as recited in all of the

claims encompassing the respective inventions. The cited reference appears to disclose side cover plates 68, 70 in Figs. 1 and 2, which, in principle could be considered to be a frame element according to the claimed invention. See also the first full paragraph on page 30. However, it is obvious that the cut-outs formed in these side cover plates are not adapted to receive ribs of the plate elements and/or pass therethrough ribs of plate elements, which are arranged to form a stack, as recited in the claims.

Thus, the cited reference does not disclose or suggest all of the features common to the claims of Inventions I and II as identified above. Namely, the cited reference does not disclose or suggest the claimed feature of recesses and/or perforations of the frame elements that receive ribs of the plate elements. In view of this deficiency of the cited prior art, it is submitted that the common subject matter of the respective inventions makes a contribution over the prior art as represented by WO 1999/057781, and therefore satisfies the unity of invention requirement.

In view of the foregoing, it is submitted that the restriction requirement should be withdrawn, and examination on the merits is requested.

Respectfully submitted,



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Date

Thomas M. Champagne
Registration No. 36,478
Customer No. 49691
828.253.8600
828.253.8620 fax

TMC:dam